HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 24155 of 2006

24.12.2007

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Between:

Andhavarapu Abbai & others

… Petitioners

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Irrigation Department,
Hyderabad & others

… Respondents

Counsel for the petitioners : Sri S. Rambabu

Counsel for the respondents : Assistant Government Pleader for Land Acquisition.

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of the respondents in issuing notification dated 15.09.2005 under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') by invoking the urgency clause under Section 17(4) and declaration under Section 6 of the Act as illegal and arbitrary.

Heard Sri S. Rambabu, learned counsel for the petitioners and learned Assistant Government Pleader for Land Acquisition.

At the hearing, learned Assistant Government Pleader stated that in pursuance of the notification issued under Section 4(1) and declaration made under Section 6 of the Act, the respondents have deposited 80% of the compensation amount and taken possession of

the petitioners' land for the purpose of construction of Hiramandalam Reservoir under Vamsadhara Project, Phase-II of Stage –II in Korada Village. He also stated that the award enquiry is yet to be commenced and the grievance of the petitioners on the aspect of classification of the property and fixation of market value will be appropriately considered in that enquiry.

Sri S. Rambabu, learned counsel for the petitioners submitted that the tentative classification made so far on the basis of which deposit of 80% of the advance compensation was made, is wholly improper. He requests that the respondents may be directed to give proper opportunity to the petitioners to put forth and substantiate their objections regarding the improper classification.

In the light of the apprehension expressed by the learned counsel for the petitioners that the respondents may not consider the petitioners' objections regarding classification of the properties for the purpose of fixing market value, I direct the respondents to give opportunity to the petitioners to file their objections in the proposed award enquiry and duly consider them before fixing the market value.

Subject to the above, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No. 30838 of 2006 filed by the petitioners for interim relief is dismissed.

C.V.NAGARJUNA REDDY, J

24.12.2007

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